

H O W A R D, Chief Judge.

¶1 Johann Bass appeals from the trial court’s denial of his motion for relief from judgment. He contends that because he had paid support and the court failed to make a necessary factual finding, the judgment was void. Because we lack jurisdiction over his appeal, we dismiss.

Factual and Procedural Background

¶2 The relevant facts are undisputed. Bass and his wife, C., have one child together. Bass currently is incarcerated. C. assigned her child support rights to the state. The state, on behalf of the Arizona Department of Economic Security (ADES), filed a petition to establish child support and judgments for support. After a hearing, the trial court found that Bass owed no past child support and did not require him to pay monthly child support. The court ordered Bass to notify ADES, the custodial parent, and Superior Court within fourteen days of his release from incarceration. Several months later, Bass filed a motion for relief from the judgment, which the court denied. Bass appealed from this ruling under A.R.S. § 12-2101(C).

Discussion

¶3 The state claims, as a preliminary matter, that this court does not have jurisdiction over the appeal.¹ Bass appeals the trial court’s denial of his motion for relief from judgment, and by appealing under A.R.S. § 12-2101(C), he implicitly asserts the court’s ruling is a “special order made after the final judgment.” For a post-judgment order to be appealable, “the issues raised by the appeal from the order must be different from those that would arise from an appeal from the underlying judgment.” *Engel v.*

¹Bass has not filed a reply brief contesting the state’s position.

Landman, 221 Ariz. 504, ¶ 19, 212 P.3d 842, 848 (App. 2009), *quoting Arvizu v. Fernandez*, 183 Ariz. 224, 226, 902 P.2d 830, 832 (1995). This requirement essentially prevents an appellant from belatedly attacking the merits of a final judgment by circumventing the rules of procedure. *See Arvizu*, 183 Ariz. at 227, 902 P.2d at 833.

¶4 Bass’s motion for relief from judgment was based on a claim that the judgment was void for lack of jurisdiction on the same grounds he had argued before judgment was entered. But lack of jurisdiction would have been a basis for appealing from the underlying judgment. *See Green v. Lisa Frank, Inc.*, 221 Ariz. 138, ¶ 58, 211 P.3d 16, 35 (App. 2009) (vacating void portion of judgment for lack of jurisdiction). Thus, his appeal from the trial court’s denial of his motion for relief from judgment does not raise different issues than would have been brought in an appeal from the final judgment itself. Consequently, the ruling from which Bass appeals is not a post-judgment special order. *See* § 12-2101(C).

¶5 Furthermore, although a collateral attack may challenge the validity of a judgment that is void on its face for lack of jurisdiction, none of the errors Bass attempts to assign to the trial court are of such a nature. *See Vicari v. Lake Havasu City*, 222 Ariz. 218, ¶ 12, 213 P.3d 367, 370 (App. 2009) (“a judgment may be rendered void in a collateral proceeding if [the court] lacked personal jurisdiction, subject-matter jurisdiction, and jurisdiction to render the particular judgment”); *see also Walker v. Davies*, 113 Ariz. 233, 235, 550 P.2d 230, 232 (1976) (collateral attack only permissible when judgment void on its face due to lack of jurisdiction). Instead, Bass’s own assertion that the trial court erred by not making appropriate findings supports the court’s

jurisdiction over the proceeding. Therefore, his appeal is not a permissible collateral attack of the judgment.

Conclusion

¶6 Because Bass's appeal is neither a challenge of a post-judgment special order nor a collateral attack of a judgment void on its face, we dismiss it for lack of jurisdiction.

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Presiding Judge

/s/ Philip G. Espinosa

PHILIP G. ESPINOSA, Judge